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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
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12 DOROTHY HEIMBACH, individually
13 and as successor in interest to Anthony
14 Silva,

15 Plaintiff,

16 v.

17 STANISLAUS COUNTY, JUSTIN
18 CAMARA, and ZA XIONG,

19 Defendants.
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Case No. 2:23-cv-07532-DMG-SSC

Honorable Daniel J. Calabretta
Hon. Mag. Judge Chi Soo Kim

**[PROPOSED] ORDER RE:
PLAINTIFS' MOTION *IN LIMINE*
NO. 2 TO EXCLUDE
INFORMATION OF DRUG USE BY
ANTHONY SILVA**

[PROPOSED] ORDER

Having reviewed Plaintiff's Motion *in Limine* No. 2 to Exclude Information of Drug Use by Anthony Silva, and GOOD CAUSE appearing therein, Plaintiffs' Motion is hereby GRANTED. Evidence, testimony, argument, or reference to/regarding Decedent Anthony Silva's use of drugs at any time, including:

- 1) Any regarding drug and/or alcohol use by Mr. Silva on the date of the incident; and
- 2) Any evidence regarding drug and/or alcohol use by Mr. Silva prior to the date of the incident.

The basis for this order is that this information is irrelevant to the analysis as impermissible hindsight evidence; any probative value it may have is substantially outweighed by the substantial risk of unfair prejudice, confusing the issues, wasting time, and misleading the jury; this information constitutes improper character evidence and inadmissible hearsay. Federal Rules of Evidence, Rules 401, 403, 404, 801, 802; *Glenn v. Washington Cnty.*, 673 F.3d 864, 873 (9th Cir. 2011).

IT IS SO ORDERED.

Dated: _____

HONORABLE DANIE J. CALABRETTA
UNITED STATES DISTRICT JUDGE